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**TO:** Celeste Cantú, Executive Director  
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State Water Resources Control Board

  
**FROM:** John H. Robertus  
Executive Officer  
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

**DATE:** 18 February 2004

**SUBJECT:** WATER CONTROL POLICY FOR DEVELOPING CALIFORNIA'S CLEAN  
WATER ACT SECTION 303(d) LIST

Thank you for the opportunity to comment on the proposed and revised Policy. Region 9 appreciates the efforts of the State Water Resources Control Board to create a policy that will increase consistency between the Regional Water Quality Control Boards. We support the efforts to improve documentation of listing decisions to provide the transparency that everyone desires. We have provided detailed comments in the past (dated Nov 02 and June 03) and have supported previous comments submitted by the TMDL Roundtable. Unfortunately, most of these recommendations have not been included in the revised Policy.

Region 9 stands in full support of the latest comments and suggestions as provided by T. Mumley on behalf of the TMDL Roundtable. Specifically, we continue to have issues with the current draft of the Policy and provide the following general comments.

1. **Weight of Evidence** Region 9's history of Section 303(d) list development has shown that local experience and best professional judgment is as valuable as statistical analysis in evaluating potential listings. The policy must be clear that a weight of evidence approach can be applied. The binomial model does not take into account all critical information that is pertinent to the evaluation of compliance with standards. Increased flexibility must be added to the decision making process.
2. **Precise Language** This policy will have significant and lasting effects on staff resources and is likely to impact the lengthy TMDL Program. Therefore, the Policy language must be exact and precise to provide the clarity that the Section 303(d)

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process needs. The current draft needs to be revised to remove several ambiguities (the specific sections needing revision can be found in the TMDL Roundtables comments and suggestions).

3. **Assess Water Quality Standards Only** The Policy should focus solely on an assessment of the attainment of water quality standards. The cause of the problem or the best remedy should not be part of the listing decision. The information to answer cause and remedy questions is often not available and will be acquired during the initial stages of TMDL development. Cause and remedy issues are appropriately addressed in the draft "A Process for Addressing Impaired Waters in California."
4. **Priority vs. Scheduling** The Policy should only assign priority rankings to the listed waterbodies, as required by the Clean Water Act. Scheduling completion of TMDLs is a program work planning effort that goes well beyond the scope of water quality assessment and should not be part of the Policy.

Please consider these comments as the Policy enters the final stages of revision.

Ms. Deborah Jayne and Mr. Jimmy Smith are the most knowledgeable staff persons on this issue. They can be reached at (858) 467-2972 and (858) 467-2732 respectively.

cc via email: Craig J. Wilson, State Water Resources Control Board